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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: R. ZAMBIAS et al.

Serial No.: 09/009,846

Group Art Unit: 1618

Filed: January 20, 1998

Examiner: P. Ponnaluri

For: LOGICALLY ORDERED ARRAYS
OF COMPOUNDS AND METHODS
OF MAKING AND USING THE
SAME

Attorney Docket No.:
5925-061

RECEIVED

APR 26 2000

OFFICE OF PETITIONS
DEPUTY AS/PATENTS

**DECLARATION IN SUPPORT OF FILING ON
BEHALF OF OMITTED INVENTOR UNDER 37 C.F.R. §1.47(a)**

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Allan A. Fanucci, a representative of the Applicants and appointed Power of Attorney by the Declaration and Power of Attorney filed concurrently with this Declaration in the above-identified application, hereby declare that:

1. This declaration is made as to the facts which are relied upon to establish the diligent efforts made to secure the execution of the Declaration and Power of Attorney by inventor Paul Furth, for the above-identified application both before and after deposit thereof in the United States Patent and Trademark Office.

2. This declaration is being made on facts of which I have first hand knowledge.

3. Paul Furth is one of the named inventors of the above-identified application.

4. The last known address of Paul Furth is 59 Bowdoin Street, Medford, Massachusetts, 02155.

5. By me or under my direction and control, several *bona fide* attempts were made to present a copy of the application papers for the above-identified invention (a specification including the claims, Declaration and Power of Attorney, and assignment) to Mr. Furth for his signature.

6. On March 28, 1995, a letter addressed to Paul Furth, 310 College Farm Road, Apt. 13, Waltham, Massachusetts 01749, transmitting a Declaration and Power of Attorney, as well as an Assignment was forwarded via Federal Express to Mr. Furth (Attached as Exhibit A). The March 28 letter references earlier occasions where Mr. Furth was provided with copies of the application papers and again requests that Mr. Furth review and execute these documents.

7. In response to the March 28th letter, I telephoned Mr. Furth and was informed that he had moved to a new address. Upon my request, Mr. Furth visited ArQule's offices on or about April 12, 1995 and retrieved copies of the application papers for this case.

8. On April 13, 1995, after Mr. Furth retrieved the application papers, I telephoned him to discuss execution of the documents. I was informed that he would return the executed documents by April 28, 1995. The executed documents were not returned by that date.

9. In a subsequent telephone conference on or about May 15, 1995, I was informed that Mr. Furth changed his mind and would not sign the Declaration and Power of Attorney nor the Assignment. I was not informed as to the reason why Mr. Furth now refused to execute the application papers. I was further informed that any additional inquiries regarding this subject should be made through Mr. Furth's attorney.

10. Based on the foregoing, I have concluded that Mr. Furth's conduct constitutes a refusal to execute the Declaration and Power of Attorney, as well as the



Assignment for the above-identified application, which were provided to him and which resulted from his work in the employ of the assignee, ArQule, Inc.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: April 20, 2000

Allan A. Fanucci 30,256
Allan A. Fanucci (Reg. No.)

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